

LEGISLATIVE MANAGEMENT COMMITTEE

The Legislative Council delegated to the Legislative Management Committee the Council's authority under North Dakota Century Code (NDCC) Section 54-35-11 to make arrangements for the 2009 legislative session. Legislative rules are also reviewed and updated under this authority. The Legislative Council also delegated to the committee the Council's:

1. Duty under Section 54-03-26 to determine the computer usage fee for legislators;
2. Power and duty under Section 54-35-02 to determine access to legislative information services and impose fees for providing such services and copies of legislative documents and to control permanent displays in Memorial Hall and use of the legislative chambers;
3. Responsibility under Section 54-03-20 to establish guidelines on maximum reimbursement of legislators sharing lodging during a legislative session;
4. Responsibility under Section 54-60-03 to determine which standing committees will receive a report from the Commissioner of Commerce on goals and objectives of the department;
5. Responsibility under Section 4-24-10 to determine when agricultural commodity promotion groups must report to the standing Agriculture Committees;
6. Responsibility under Section 4-35.2-04 to determine when the Agriculture Commissioner must report to the Agriculture Committees on the status of the pesticide container disposal program;
7. Authority under Section 46-02-05 to determine the contents of contracts for the printing of legislative bills, resolutions, and journals; and
8. Authority under Section 54-06-26 to establish guidelines for use of state telephones by legislative branch personnel.

The Legislative Council also assigned to the committee the responsibility under 2007 Session Laws, Chapter 1, Section 7, to administer the appropriation for committee room renovations and the responsibility under Section 8, to review staff services during the 2007-08 interim for the purpose of determining future legislative staffing needs. The Legislative Council also designated the committee as the Legislative Ethics Committee under NDCC Section 54-35-02.8 with the responsibility to consider or prepare a legislative code of ethics.

The Legislative Management Committee was charged with the responsibility to review and adopt the project plan and to approve deliverables of each completed project phase for replacement of legislative technology applications under 2005 Session Laws, Chapter 29, Section 5.

Committee members were Representatives Al Carlson (Chairman), Rick Berg, Merle Boucher, Jeff Delzer, David Monson, and Kenton Onstad and

Senators Randel Christmann, Dwight Cook, Carolyn Nelson, David O'Connell, and Bob Stenehjelm.

The committee submitted this report to the Legislative Council at the biennial meeting of the Council in November 2008. The Council accepted the report for submission to the 61st Legislative Assembly.

LEGISLATIVE SPACE RENOVATION PROJECTS Legislative Committee Meeting Room Renovations

Medora and Great Plains Rooms

During the 2005-06 interim, the committee studied the need for additional legislative committee rooms and approved a plan whereby the bill and journal room was divided into two committee rooms and a smaller bill and journal room, which occupied the former hallway between the former bill and journal room (pre-1981 remodeling) and the north wall of the main hallway. Each meeting room occupied 417 square feet, and allowed committee tables and 9 desk chairs and 24 side chairs. The bill and journal room occupied 360 square feet. The expenses of that renovation project totaled \$174,792.86.

During the 2007 legislative session a number of legislators expressed dissatisfaction with the small size of the two meeting rooms. When 9 persons were seated at the tables and 18 to 20 people were seated in the side chairs, the room was crowded and line of sight was hindered by the columns in the room.

The committee approved removal of the wall between the Medora and the Great Plains Rooms. The committee also approved designating the resulting room the Medora Room.

Committee Room Tables

All committee room tables were inventoried to determine which tables merited replacement due to wear and tear. During this process, committee members discussed whether committee room table and chair arrangements could be redesigned to improve use of technology, committee member discussions, committee member and audience interaction, and improved space use. Most of the proposed table arrangements were intended to remove audience members from behind committee members either by locating all audience members in multiple rows on one end of the room or rearranging tables. Committee members also suggested providing more spacious audience seating even at the expense of room capacity.

The committee authorized the majority and minority leaders and their assistants to make recommendations to the Legislative Council chairman with respect to committee tables and committee room table arrangements for their respective houses and authorized the chairman to purchase committee room tables as recommended by the respective leaders.

Medora Room Table Arrangement

The first room under consideration was the Medora Room. The committee approved installing a semicircular table following the curvature of the north wall and placing audience chairs along the south wall. This committee arrangement allowed all committee members to face the audience, while also allowing all committee members a line of sight with other committee members. The table consisted of five sections, assembled together, with cantilevered legs from the front so members would not contend with legs on their side of the table. The table is 36 inches wide and oak with inlay black laminate top so as to resist scratches and heat burns and stains.

Red River Room Table Arrangement

The Red River Room consists of 560 square feet, with current arrangement of seven individuals seated at a T-shaped committee table and 20 audience chairs. One option provided for an arc-shaped table seating seven facing the east and 32 audience chairs arranged in three rows along the east wall facing the committee table. Two separate options recognized possible reduction of the room area due to the fire suppression project but the primary difference from option one was the reduction of audience seating to 23 chairs arranged in two rows along the east wall.

Sakakawea Room Table Arrangement

The Sakakawea Room consists of 680 square feet, with current arrangement of 11 individuals seated at a T-shaped committee table and 20 audience chairs. A proposed arrangement provided for a reduced-size committee table allowing for the seating of 11 individuals and 26 audience chairs arranged in three rows along the north wall. This proposal recognized possible reduction of the room area to 580 square feet due to the fire suppression project.

Lewis and Clark Room Table Arrangement

The Lewis and Clark Room consists of 615 square feet, with current arrangement of eight individuals seated at a T-shaped table and 24 audience chairs along the east, north, and west walls. The proposed arrangement provided for an arc-shaped table along the east wall seating eight facing the west and 26 audience chairs in two rows along the west wall and one row along the north wall.

Missouri River Room Table Arrangement

The Missouri River Room consists of 580 square feet, with current arrangement of seven individuals seated at a T-shaped table and 16 audience chairs along the north and south walls. The proposed arrangement provided for eliminating the table at the head of the T-shape and using the existing conference table to provide seating for seven and 22 audience chairs arranged in three rows along the west wall and one row along the north wall.

In October 2008 a new table matching the existing leg of the T-shape was installed at the head of the table to continue the T-shape arrangement, and audience side

chairs were rearranged to rows on the west side of the room and one row along the north wall.

Peace Garden Room Table Arrangement

The Peace Garden Room is one of three "pie-shaped" committee rooms--the Fort Union, Peace Garden, and Fort Totten Rooms. Proposed table arrangements included a U-shaped table with a base following the curvature of the outside wall and the two legs following the angle of the interior walls and an L-shaped table with one leg following the curvature of the outside wall and one leg following the angle of the west inside wall with audience seating along the east inside wall.

Fort Union Room Table Arrangement

The Fort Union Room--one of the three "pie-shaped" committee rooms--had a current arrangement of a flattened U, with the open end facing the doors on the south side, and one row of audience seating along the west and east walls.

In October 2008 a modified L-shaped table with one leg following the angle of the west inside wall, one leg following the curvature of the outside wall, and a short turn-in leg along the east wall to allow space for the desk of the intern in the committee room, was ordered for installation before the 2009 legislative session convenes. In addition, 30 audience side chairs will be reupholstered and arranged in diagonal rows in the southeast quadrant of the room.

Fort Lincoln Room Table Arrangement

The Fort Lincoln Room had a current arrangement of eight individuals seated at a T-shaped committee table and a row of audience chairs arranged along the west, north, and east walls.

In October 2008 a U-shaped table with the open end facing north was installed, with audience seating arranged in two rows along the north wall.

House Conference Room Table

The House Conference Room currently has mismatched tables arranged in the center of the room.

In October 2008 a new conference table, along with 16 chairs for seating around the table, was ordered for installation before the 2009 legislative session.

Committee Room Carpeting

The carpeting in committee rooms was installed during the 1977 to 1982 legislative wing renovation project. The carpeting in traffic areas, whether in the rooms or the hallways, was pointed out as showing 25 years or more of wear. Although Facility Management Division is responsible for replacing carpet in the Capitol, carpet replacement is on a floor-by-floor schedule, and funds have not been appropriated for carpet replacement. When carpet has been replaced, the cost has been borne by agencies that have extra funds for carpet purchase.

In October 2008 new carpeting was installed in all committee rooms (except for the Harvest, Pioneer, Prairie, and Roughrider Rooms), the ground floor circular

hallway on the north side of the main hallway, and in the hallway outside the Fort Lincoln Room.

Committee Room Audio, Scheduling, and Video Presentation Systems

The Legislator Computer Replacement Task Force discussed two types of video displays in committee rooms--flat panel video displays and SMART Boards. The task force received proposals for two 42-inch plasma screen flat panels in the Red River, Medora, Fort Union, Peace Garden, and Fort Totten Rooms. The task force also received proposals for one 77-inch SMART Board in the Sakakawea, Missouri River, Lewis and Clark, Fort Lincoln, and Roosevelt Park Rooms.

The committee received information on installing scheduling displays outside the Harvest, Roughrider, and Roosevelt Park Rooms; replacing the audio mixers in the Harvest and Roughrider Rooms; installing loudspeakers, amplifiers, mixers, and microphones in the Red River and Roosevelt Park Rooms; and providing for digital flash recorders in the Harvest, Roughrider, Red River, and Roosevelt Park Rooms.

Capitol Tower Stairway Fire Exits

During the 2005-06 and 2007-08 interims, the Capitol was undergoing a fire suppression project that involved installing a sprinkler system throughout the Capitol and providing direct exit access from the stairways in the Capitol tower. As required under the International Building Code and the National Fire Protection Association, stairways in the tower need to be pressurized to avoid a "chimney" effect of smoke going up the stairways. In addition, a protected path of travel from the stairways to exit the building is required.

The committee reviewed a number of options for providing exits from the north stairway. One option for an exit from the north stairway was to provide an exit through a hall along the west side of the Red River Room (current length by width of 23 feet 4 inches by 21 feet 7 inches), exiting through a new door in an existing window opening, and resulting in a room of 23 feet 4 inches by 16 feet 3 inches. A second option was to provide an exit hallway along the south side of the Red River Room, exiting in the existing corridor and allowing exit through the north entrance, installing doors approximately where the newsstands are to pressurize that exit way, and resulting in a room of 21 feet 2 inches by 21 feet 7 inches. A third option was to provide an exit way by use of the elevator lobby and exiting through the north entrance which would require installation of fireproof glass partitions just east of the elevator doors to allow pressurization of the area.

The committee also reviewed a number of options for providing exits from the south stairway. One option was to provide an exit from the south stairway through a hallway to the east, reducing an office in the Governor's office suite, turning south along the west side of the Sakakawea Room (currently 29 feet 2 inches by 25 feet 9 inches), exiting through a new door in an existing window opening, and resulting in a room of 29 feet 2 inches by 21 feet 7 inches. Another option was to take

space from the Governor's office area rather than the Sakakawea Room.

Committee members expressed concern over the loss of space in the Sakakawea Room and the Red River Room.

House Brass Rail

The committee received information on the cost of cutting an opening in the brass rail in the first section on the west side of the House chamber. The estimate to cut one opening on the west side and one opening on the east side of the House chamber to balance the opening on the west side was \$5,750.

LEGISLATIVE SPACE USE

Legislative Chambers and Memorial Hall

Since 1981 the Legislative Council has delegated to the committee the responsibility under NDCC Section 54-35-02(8) to control the legislative chambers and any permanent displays in Memorial Hall. In exercising this responsibility, the committee has adopted guidelines for use of the legislative chambers and displays in Memorial Hall.

Under the 1996 guidelines, reapproved by the committee in June 2008, the first priority for use of the chambers is for the legislative branch. When the Legislative Assembly is not in session, the chambers may be used by other groups or organizations if certain requirements are met. A state agency may use the chambers for official purposes of that agency. Any other group or organization may use the chambers for mock legislative sessions if the group or organization has not employed a registered lobbyist or contracted for independent lobbying services by a registered lobbyist within two years before the request for use. Any use cannot interfere with legislative branch activities, the sponsor of the function must make suitable arrangements with the Office of Management and Budget, the sponsor must assume full responsibility for the care of the chambers, and prior approval must be obtained from the Legislative Management Committee or from the director of the Legislative Council or the director's designee.

During its review of the guidelines, the committee approved requests for use of both chambers by the North Dakota High School Activities Association State Student Congress on November 6-7, 2008, and on November 5-6, 2009; and by the North Dakota University System for a 150-notebook connection to test the PeopleSoft 9.0 upgrade on April 14-15, 2008; use of the House chamber by the Secretary of State on March 10-11, 2008, to conduct a statewide biennial election conference; by the North Dakota Leadership Seminar on May 31, 2008, for a leadership seminar; by the Silver-Haired Education Association on July 30-August 1, 2008, for a Silver-Haired Assembly; and by the Land Department for oil and gas lease auctions on November 6, 2007, and February 5, May 6, August 5, and November 4, 2008. In addition, approval under the guidelines was given for use of the House chamber by the Supreme Court on October 8, 2007, for the admission to the bar ceremony, and for use of the

House chamber on September 18, 2008, for a Constitution Week commemoration.

Under the guidelines, any permanent display in Memorial Hall is to be reviewed annually. Since removal of two statues and a replica of the liberty bell in 1984, Memorial Hall does not contain any permanent display. (The liberty bell is on display in the entrance/commons area of Century High School in Bismarck.)

Legislative Committee Rooms

Joint Rule 803 provides that during a legislative session committee rooms may be used only for functions and activities of the legislative branch, but the Secretary of the Senate or the Chief Clerk of the House may grant a state agency permission to use a room at times and under conditions not interfering with the use of the room by the legislative branch. With respect to use during the interim, NDCC Section 48-08-04 applies and provides that committee rooms may not be used without authorization of the Legislative Council or its designee.

The Legislative Council adopted the policy governing approval of use of committee rooms in 1998 and revised the policy in 2000. The policy is similar to that governing use of the chambers. The policy also applies to proper use of the press studio on the ground floor of the legislative wing whether during the session or during the interim--the press studio may not be used during a legislative session by anyone other than a legislator and may not be used during other periods by anyone other than a legislator or an elected state official, except as authorized by the director of the Legislative Council or the director's designee.

During the interim, the Facility Management Division, Office of Management and Budget, manages the scheduling of committee rooms, except for the Harvest and Roughrider Rooms, for which the scheduling is retained by the Legislative Council staff.

The committee approved a request from Human Resource Management Services, Office of Management and Budget, to remove the tables and chairs from the Peace Garden Room so as to place different tables and chairs in the room for the purpose of conducting training classes, so long as those tables and chairs were not placed in any hallway.

The committee reapproved the policy in June 2008.

LEGISLATIVE RULES

The committee continued its tradition of reviewing and updating legislative rules. After the 2007 legislative session, a legislative process questionnaire was distributed to every legislator. The questionnaire asked specific questions on legislative procedures and also requested comments on how to improve the legislative process. The committee also reviewed a side-by-side comparison of Senate and House rules.

Motions During Debate

Senate and House Rules 312 list the motions that may be received during debate. Senate and House Rules 317 list motions that are not debatable. Senate and House Rules 322 govern the procedure in excusing a member from voting and provide that the question to

permit a member to vote must be decided without debate. Neither Senate and House Rules 312 nor 317 refer to a motion permitting a member to vote.

The committee recommends amendment of Senate and House Rules 312 to include a motion to permit a member to vote in the list of motions that may be received during debate. The committee also recommends amendment of Senate and House Rules 317 to include a motion to permit a member to vote in the list of motions that are not debatable.

Bill Introduction Deadlines

Monday Introduction Deadlines

In 2007 the Legislative Assembly convened on Wednesday, January 3, 2007. Because the convening day was a Wednesday rather than a Tuesday, the legislative rules were amended to continue the bill introduction deadlines on Mondays. A Monday deadline is important because the Legislative Council staff uses the Friday evening, Saturday, and Sunday before the deadline to prepare bill drafts requested during the days immediately preceding a deadline.

The committee discussed the effect the current rules would have with the Legislative Assembly convening on Tuesday, January 6, 2009. The committee recommends amendment of Senate and House Rules 402 to change the bill introduction deadlines from the 4th, 9th, and 14th legislative days to the 5th, 10th, and 15th legislative days. This will continue the Monday deadlines during the 2009 legislative session.

Health Mandate Introduction Deadlines

Under NDCC Section 54-03-28, a bill that is considered a health insurance mandate must be considered by the Employee Benefits Programs Committee, must be referred to a standing committee, must have an independent cost-benefit analysis before the standing committee can take action, then must be rereferred to the Appropriations Committee if the bill affects the appropriation for the Public Employees Retirement System. Under the contract with the actuarial firm, the analysis must be completed within four weeks. The committee received information on the difficulty to complete this procedure for a bill introduced on the last day for introducing bills.

The committee recommends amendment of Senate and House Rules 402 to require measures subject to cost-benefit analysis under NDCC Section 54-03-28 to be submitted for consideration by the Employee Benefits Programs Committee no later than April 1 of the year before a regular legislative session for returning legislators or no later than the first Wednesday following the adjournment of the organizational session for newly elected first-time legislators.

Constitutional Revision Committee Members

House Rule 501 provides the Constitutional Revision Committee consist of seven members. During the 2007 legislative session, the committee consisted of nine members.

The committee recommends amendment of House Rule 501 to provide the Constitutional Revision Committee consist of nine members.

Consideration of Majority and Minority Reports

Senate and House Rules 602 state that the majority report should be voted on first before the minority report. Senate and House Rules 601 provide that on a divided committee report the minority report should be substituted for the majority report and a vote taken on that question. House members have questioned the relationship between the two rules and the confusion caused over which report should receive the first vote.

The committee recommends amendment of House Rule 602 to provide the majority report must be placed on the calendar "above" any minority report. The language with respect to placing the majority report on the calendar "for consideration before consideration" of any minority report is deleted. This change is intended to clarify that House Rule 602 is used as a means to prepare the calendar, while House Rule 601 is used to determine the procedure for considering the majority and minority reports.

Delivery of Veto Messages

Joint Rule 209 provides a procedure for return of vetoed bills with objections during the legislative session. If the Secretary of the Senate or the Chief Clerk of the House is not available, the director of the Legislative Council or a Legislative Council employee designated by the director may receive the vetoed bill and the objections as the representative of the appropriate house. No procedure exists for the return of vetoed bills and objections after the Legislative Assembly has adjourned, even though the objections must be published in the journal of the house of origin and in the Session Laws.

The committee recommends creation of Joint Rule 210 to provide that when the Governor vetoes a bill that cannot be returned to the house of origin because the Legislative Assembly is not in session, the objections to the bill must be filed with the Secretary of State and with the director of the Legislative Council for purposes of publishing the objections in the journal of the house of origin and in the Session Laws.

Crossover Deadline

Because the Legislative Assembly convened on a Wednesday in 2007, the crossover deadline was changed from the 34th legislative day to the 33rd legislative day to maintain crossover on a Friday. The 61st Legislative Assembly will convene on Tuesday, January 6, 2009. A crossover deadline of Friday maintains the emphasis to complete work on bills in the original house with a view of an extended recess over the weekend. Joint Rule 702 provides for a recess on the Monday and Tuesday following crossover. The committee recommends amendment of Joint Rule 203 to change the crossover deadline from the 33rd legislative day to the 34th legislative day. This will continue the Friday crossover deadline during the 2009 legislative session.

Media Representative Identification

Joint Rule 802 provides that the statehouse correspondent of the Associated Press distribute identification badges to appropriate representatives of the media. In practice, the correspondent has delegated this responsibility to the North Dakota Newspaper Association.

The committee recommends amendment of Joint Rule 802 to provide that the statehouse correspondent of the Associated Press determine the method for distribution of the media identification badges. The proposed language provides the flexibility to recognize practices that may change in the future.

Other Rules Proposals Considered

The committee reviewed a proposal to amend Senate and House Rules 305 to replace the requirement that a member desiring to speak rise and address the presiding officer and remain standing until recognized with the requirement that the member use the "speak" button at the member's desk. The committee reviewed a proposal to amend Senate Rule 348 to provide that a clincher motion requires approval by a majority of the members-elect rather than a majority of the members present. The committee received a proposal to amend Senate and House Rules 402 to increase the maximum number of sponsors of a bill or resolution to 12 from the current 6. The committee received a proposal to amend Senate and House Rules 506 to require measures to be scheduled for time-certain hearings rather than block-scheduling, whereby groups of measures are all scheduled at the same time. The committee reviewed a proposal to amend Senate and House Rules 318 to recognize the vote required to expend principal of the permanent oil tax trust fund, if the electorate approved constitutional measure No. 1 at the general election (the measure was not approved).

LEGISLATIVE STAFFING NEEDS STUDY

Section 8 of House Bill No. 1001 (2007) directed a review of Legislative Council staff services for purposes of determining future legislative staffing needs, including the appropriateness of the current organizational structure as it relates to future staffing needs and the potential effect of the information technology applications system and pending retirements on staffing needs, succession planning, and knowledge transfer.

The Legislative Council has 33 authorized full-time equivalent positions and as of October 1, 2007, the staff consisted of 30 employees and was organized into legal, fiscal, information technology, administrative, library, and administrative support staffs.

The committee received information on the effect of the growth of information technology applications since 1968. The growth of information technology applications initiated or developed by Legislative Council staff illustrated that information technology is not static and staff constantly reviews how technology can be used to increase efficiencies. As an example, the development by staff of the computerized applications for the bill status report, bill drafts, daily journals, daily calendars,

and committee hearing schedules became the base for the Legislator's Automated Work Station (LAWS) system. Even with the replacement of the legislative applications, enhancements will continue to be made as improvements and efficiencies are envisioned. It was noted that as a result of initiating and developing software programs, staffing needs of the Legislative Council during a legislative session have been reduced from an additional six operators and eight proofreaders to an additional two operators and four proofreaders.

With respect to the effect of pending retirements, the committee received information on the number of employees in various age categories and the fact that qualification for nonreduced Public Employees Retirement System retirement benefits may come as early as age 49.5 without any additional purchase of retirement credit. It was noted retirement is not necessarily based on the age of an employee but other personal factors.

Succession planning is the process of identifying and preparing suitable employees through mentoring to develop their skills and abilities and prepare them for advancement to replace key players within the organization as their terms expire. Effective succession planning consists of five areas--understand the current situation within the organization; work with staff to anticipate transition; prepare the organization for transition; work with emerging leaders and other responsible employees; and guide emerging leaders toward new responsibilities.

Knowledge transfer is a process that can include the passing on of knowledge, information, research findings, or innovations and the adopting or adapting or utilizing of such knowledge, information, research findings, or innovations. The committee received information on the methods used by the Legislative Council staff for knowledge transfer, including mentoring, lines of authority, promotion from within, and procedural manuals.

On November 29, 2007, the Legislative Council named Jim W. Smith, Director of the Legislative Council, to replace John D. Olsrud upon his retirement on November 30, 2007.

As of November 1, 2008, the staff consisted of 32 employees and was organized into three major areas of legal services, fiscal services, and administrative services. Administrative services includes information technology, administrative, library, and administrative support staffs.

Conclusion

As provided by Section 8 of House Bill No. 1001, any recommendations for staffing and organization changes will be reflected in the Legislative Council's 2009-11 budget request.

LEGISLATIVE TECHNOLOGY APPLICATIONS REPLACEMENT PROJECT Background

During the 1967-68 interim, the Legislative Council staff developed a mainframe-based bill status report system. This system provided information on the status

of bills as they progressed through the legislative process from introduction to final disposition. Initially developed as an in-house tracking system for the Legislative Council staff, starting in 1973 two interns in the Legislative Council office completed forms containing status information, delivered those forms nightly to Central Data Processing (the predecessor to the Information Technology Department), and personnel in Central Data Processing keyed the information from the forms into the system and prepared printed bill status reports for the next day. In the 1970s, the Legislative Council staff developed a mainframe-based bill drafting system, which substantially automated the preparation of bill drafts by accessing the North Dakota Century Code database--a mainframe-based database developed for computer-assisted keyword searches of the North Dakota Century Code.

The bill status system and the bill drafting system were the core applications around which custom-built applications were based. During the early 1980s, applications were developed to automate various processes during the legislative session, e.g., the journal system provided for the journals to be prepared by legislative staff rather than a third-party printer, the calendar system provided for automated preparation of the daily calendars, the committee hearing system provided automated compilation of individual standing committee hearing schedules and display of those schedules on monitors throughout the legislative wing of the State Capitol, the conflicts system identified bills affecting the same Century Code sections, the chamber message system automated messages between the houses, the Session Laws and Session Laws index systems were used to publish the Session Laws, and the LAWS system, which retrieved information from the other applications, provided that information to legislators.

These legislative session applications are tightly integrated and are highly dependent on each other for data and information sharing. As the applications were enhanced over the years, the bill drafting and journal applications became the primary applications. The budget status system, although developed primarily for use during legislative sessions, is based on more modern technology and its interconnection with other session applications is limited--budget amendment information must be reentered into the bill drafting system for final amendment preparation and for transfer to the journal.

In addition to applications primarily used during legislative sessions, the Legislative Council staff also developed applications to publish the North Dakota Administrative Code; maintain, store, and retrieve office documents; maintain mailing lists; prepare vouchers keyed to legislative committee activities; maintain Legislative Assembly and Legislative Council inventory; track work projects; and inventory library resources.

Infrastructure Analysis

In 2003, \$200,000 was appropriated for an infrastructure analysis. Techwise Solutions, Fargo, was hired as contract manager for the infrastructure analysis.

Techwise Solutions prepared a request for proposal (RFP) and sent the RFP to 30 consulting firms nationwide. Enterprise Solutions, Bismarck, was recommended by Techwise Solutions and selected from the respondents to the RFP.

Enterprise Solutions prepared an infrastructure analysis that documented the current applications environment, captured business and technical requirements, researched solutions implemented in other states, and researched solutions provided by vendors. The infrastructure analysis also provided a recommended solution and budget estimates.

The recommended solution was to purchase commercial off-the-shelf components (as applicable) that met standards of the Information Technology Department and integrated with other systems. This solution was viewed as a way to provide functionality and integration with other systems, but the major risks were seen as the difficulty in fitting all functionality into a single biennium and the possible need to obtain expertise from multiple vendors. The projected budget for replacing the applications was estimated at \$3,550,000 for the 2005-07 biennium and \$1,350,000 for the 2007-09 biennium.

2005-06 Activity

Funds

The Legislative Council requested an appropriation of \$4,200,000 during the 2005-07 biennium to proceed with replacement of legislative applications. In lieu of appropriating the requested amount, however, the Legislative Assembly removed the entire appropriation for this project and instead authorized the Legislative Council to use unexpended funds from the appropriations to the Legislative Assembly and Legislative Council for the 2003-05 biennium. In August 2005 the amount determined as being available for the project was \$1,523,037.

Project Plan

Senate Bill No. 2001 (2005), the appropriation bill for the legislative branch, required the Legislative Council staff and the Information Technology Department staff to develop a project plan, and required the Legislative Management Committee to review and adopt the project plan. The project plan was required to be developed in a phased approach.

Enterprise Solutions presented a project plan to the committee which included appointment of an executive steering group, development of an RFP, selection of a vendor, negotiation of a contract and statement of work that included deliverables and a schedule, and performance of the work. This process included performing an analysis that captured detailed business and technical requirements and increased the stakeholder involvement; creating a design that defined business processes, selected products, and developed an architectural prototype; developing a project plan that included a phased approach with milestones and deliverables; and implementing a solution, the extent of which would be determined primarily by funds available.

Steering Group

The Legislative Council chairman appointed an executive steering group consisting of three members of the Senate (Senators Randel Christmann, Ray Holmberg, and Tom Seymour), three members of the House (Representatives Matthew M. Klein, Bob Skarphol, and Eliot Glassheim), three representatives of the Information Technology Department (Curtis L. Wolfe, who was replaced by Lisa Feldner in 2006, Mike Ressler, and Nancy Walz), and four members of the Legislative Council staff (John D. Olsrud, Jay E. Buringrud, Jim W. Smith, and Maryann F. Trauger). The steering group's responsibilities involved monitoring project budget and implementation plan timelines, reviewing and monitoring a communication plan, reviewing milestone progress, and providing the escalation point for project issues.

Vendor Selection

The RFP for the legislative applications replacement project was distributed to over 100 firms and 5 responded--Arbortext, Ann Arbor, Michigan (Arbortext was acquired by Parametric Technology Corporation (PTC), Needham, Massachusetts, after the RFP was distributed); International Roll Call Corporation, Mechanicsville, Virginia; MSI Systems Integrators, Omaha, Nebraska; Object Partners, Inc., Minneapolis, Minnesota; and Propylon Ltd., Harrisburg, Pennsylvania. The steering group invited four of the five to make formal presentations to the steering group, and the steering group selected two--Arbortext and MSI Systems Integrators--to present their proposals to the Legislative Management Committee.

After receiving the proposals, the committee selected Arbortext/PTC as the consulting firm for the legislative applications replacement project. The proposal by Arbortext/PTC included partnering with Capstone Consulting, Omaha, Nebraska, due to Capstone's expertise in systems integration.

Phase I of the Project

As approved by the committee, the project plan involved two distinct phases. Under Phase I, PTC captured business requirements, i.e., what the Legislative Assembly and the Legislative Council do. Over 50 individuals, including legislators, Legislative Council staff, desk force personnel, and state agency representatives were interviewed. In addition, a survey was sent to all legislators and about one-half returned the surveys. The results were placed in a *Business Process Analysis* document. Based on the business process analysis, PTC prepared a *Functional Specifications* document, an *Architectural and System Schematics* document, a *Technical Specifications* document, and a *Proof of Concept* document. Once these were prepared, PTC completed the *Proposed Solution Budget for Phase II*, the *Cost Benefit Analysis Return on Investment (ROI)*, and the *Timeline (Phase II Implementation Plan)*.

The committee, under the charge to review and approve deliverables from each complete project phase before any consideration could be made for a

subsequent phase, approved these deliverables and approved proceeding with Phase II.

Phase II of the Project - Catalyst Initiative

The PTC proposal for Phase II included Stage 0 - Project Initiation (Phase II Catalyst Initiative), Stage I - Foundation, Stage II - Data Creation, Stage III - Integration, and Stage IV - Approval and Tracking. The Phase II timeline showed completion by October 2008.

Under Stage 0 - Project Initiation (Phase II Catalyst Initiative), the hardware and software identified under Phase I were installed in the Legislative Council office, a conference committee system was developed and used during the 2007 legislative session, and PTC met with and interviewed stakeholders during the 2007 legislative session to validate business processes PTC identified under Phase I.

2007-08 Interim - Phase II of the Project

The Legislative Assembly appropriated \$3,910,827 to complete Phase II. In May 2007 PTC delivered the statement of work for Phase II. The statement of work was reviewed by the project manager and personnel from the Information Technology Department. Issues with the initial statement of work included lack of specific dates for deliverables during Phase II, a limit of two reviews of deliverables before acceptance, and whether delays caused by work required as a result of reviews would affect the schedule.

In June 2007 a revised statement of work was presented to the Legislative Council. The revised statement addressed the scope of the project, included a specific timeline over 16 months, added feature function sessions at the beginning of the delivery process to allow additional revision of deliverables, and added a third review before reaching the acceptance stage. The Legislative Council authorized proceeding with the statement of work with PTC.

Bill Format

The current bill drafting application is a mainframe-based application. The legislative applications replacement project envisioned XML-based products residing on servers. A feature of using XML as the editor allows various "style sheets" to be developed for viewing information obtained from the application, depending on whether information is viewed in HTML format or PDF format. Length of pages also could vary depending on paper size. The committee reviewed proposed formats for printed bills which increased page widths, reduced line spacing, reduced tab and indent spacing, reduced font size, and different font styles.

The committee approved the use of continuous line numbering in bills. The use of continuous line numbering throughout bills and resolutions will allow development of automated amendment preparation and bill engrossment as well as easier reference when viewing a bill on a computer screen in a format that does not separate pages.

Progress During the Interim

Phase II consisted of 14 application bundles with milestones within each bundle. The committee was informed in January 2008 of potential slippage in PTC meeting a number of milestones in the application bundles.

PTC demonstrated two "wow" factors being developed as part of the drafting application bundle. One was the generation of amendment language automatically by making changes to bills and having the system generate the amendment language. Another new feature was to show an amendment's effect of adding language (by shading the language green) and removing language (by shading the language red).

PTC revised the 45 deliverables and application bundles in February and proposed a new timeline. PTC delivered application bundle (AB) 1, which consisted of the North Dakota Century Code, Administrative Code, drafting manual, rules book, and some Lotus Notes databases involved in the migration to the new XML environment, on time. PTC built the components for AB2, which included the bill management console, work management console, electronic work request, content creation toolkit, content management workflow, and measure publishing, engrossing, and enrolling but experienced problems in the interface among the components. Preparations were being made for possible use of the current system during the 2009 legislative session. A relatively independent system, the conference committee scheduling system, developed by PTC during the 2007 legislative session could be used independent of whichever system is used in 2009.

By letter dated September 24, 2008, PTC gave the 30-day notice required under the Global Services Agreement to terminate without cause Phase II of the project.

Beginning with the 1997 legislative session, the Legislative Council staff has provided legislative information over the legislative branch webpage. During the 1997-98 interim, the North Dakota University System developed a subscription-based bill tracking service. As a result of the legislative applications replacement project including a bill tracking service, the University System decommissioned its bill tracking service after the 2007 legislative session. At its September 2008 meeting, the committee requested the University System to take any action necessary to bring the legislative bill tracking service back online in time for the 2009 legislative session.

LEGISLATORS' NOTEBOOK COMPUTERS

The chairman of the Legislative Council appointed a Legislator Computer Replacement Task Force consisting of 10 legislators to make recommendations concerning replacement of the notebook computers used by legislators, use of mobile communications devices (smartphones) by legislators, and use of technology in legislative committee rooms.

The task force received background information on the evolution of use of personal computers by legislators, the policy on legislator use of personal computers recommended by the Legislative

Management Committee and approved by the Legislative Council, and information from representatives of the Information Technology Department on use of smartphones, notebook computers, and tablet computers. The task force determined that notebook computers should be the type of computers provided to legislators. The task force received proposals from five vendors. Dell Marketing proposed the Dell Latitude D830 or the Dell Precision M6300. Fireside Office Solutions proposed the HP 6710b, the HP 8510p, or the HP 8710p. DakTech proposed the PlaidBook ST31V or the SR41V. High Plains Technology proposed Lenovo notebook computers. Best Buy for Business proposed the HP 8510p.

The task force determined that the notebook computers should provide for 17-inch screens, 4GB memory, a 7200 RPM hard drive speed, and an 802.11 a/b/g/n wireless standard, and cameras were not necessary. The task force recommended the HP 8710p notebook computer as proposed by Fireside Office Solutions.

The committee authorized the purchase of 177 HP 8710p notebook computers as recommended by the task force. This number provides for 141 notebooks for legislators, 5 notebooks as backup notebooks for legislators, 5 notebooks for use by leadership (one notebook in a leader's office and one on the floor), 10 notebooks for desk force personnel, 12 notebooks for legislative interns, 2 notebooks for assistants to the majority leaders, and 2 notebooks for use in the page rooms (for printing and cutting amendments for bill racks).

With respect to the disposition of the IBM ThinkPad A22m notebook-style computers currently used by legislators, NDCC Section 54-44-04.6 governs the disposition of property surplus to a state agency's needs. Section 54-44-04.6 would apply when the computers are declared surplus property.

The committee recommends that the IBM ThinkPad A22m notebook-style computers be returned to the Legislative Council office by the last day of the organizational session--December 3, 2008, and the computers be declared surplus and be delivered to Surplus Property for disposition under NDCC Section 54-44-04.6.

LEGISLATIVE INFORMATION SERVICES

Since 1990 the Legislative Procedure and Arrangements Committee and subsequently the Legislative Management Committee has reviewed the cost of providing various printed documents to persons outside the legislative branch. Subscription fees have been established which approximate the cost of printing a set of the relevant documents during the previous legislative session, e.g., the cost of printing the documents is divided by the number of sets of documents printed. Representatives of the media as determined under Joint Rule 802 and state agencies and institutions are not charged the fees for copies of bills and resolutions as introduced and printed, daily journals, daily calendars, and committee hearing schedules.

Bills, Resolutions, and Journals Subscription

During the 1991-92 interim, the Legislative Management Committee determined that anyone who requests a set of bills, resolutions, or journals should pay a fee to cover the cost of printing a set of bills, resolutions, and journals and, if mailed, the cost of mailing these documents. During the 2007 legislative session, 9 entities paid to pick up a set of bills and resolutions from the bill and journal room, 25 paid to pick up a set of bills and resolutions as introduced and as engrossed, 17 paid to pick up a set of journals, and 7 paid to receive the journal index.

The committee established the following fees with respect to these documents during the 2009 legislative session--\$150 for a set of bills and resolutions as introduced and printed or reprinted, \$290 if mailed; \$260 for a set of bills and resolutions as introduced and printed or reprinted, including a set of all engrossed and reengrossed bills and resolutions, \$485 if mailed; and \$90 for a set of daily journals of the Senate and House, \$230 if mailed. The fee for the journals includes final covers after the legislative session adjourns. The committee established a subscription fee of \$30 to receive the index to the Senate and House journals.

The committee continued the policy provided under Joint Rule 603 that anyone can receive no more than five copies of a limited number of bills and resolutions without charge.

Bill Status Report Subscription

The printed version of the bill status system provides information on the progress of bills and resolutions, the sponsors of measures, and an index to the subject matter of measures. One entity paid a \$350 subscription fee to receive these reports from the bill and journal room during the 2007 legislative session.

The committee determined that printed bill status reports should continue to be made available through the bill and journal room only to those who subscribe to the 2009 bill status reports and pay a \$350 subscription fee, \$490 if mailed. The committee determined, however, that two copies of the bill status reports should be provided to the press room in the State Capitol without payment of subscription fees.

Committee Hearing Schedules and Daily Calendars Subscription

The committee continued the practice of making committee hearing schedules and daily calendars available at no charge. The committee also determined that if a request is received for mailing the committee hearing schedules or daily calendars, the policy followed during the 2007 legislative session should continue and a fee should be imposed to cover the cost of mailing. The committee established a subscription fee of \$40 for mailing a set of the weekly hearing schedules for Senate and House committees and a subscription fee of \$70 for mailing a set of daily calendars of the Senate and House.

Bill and Journal Room Photocopy Policy

Under the contract for providing bill and journal room services, the contractor is to collect photocopying fees and transmit those fees to the Legislative Council office. Fees are not charged for providing a photocopy of a legislative document available for distribution to the public by personnel in the bill and journal room (bills, engrossed bills, journals, calendars, and committee hearing schedules) nor for providing a photocopy to a legislator, a House or Senate employee, or a Legislative Council employee. Under the policy, the fee for photocopying service is 25 cents per page.

CONTRACTS FOR PRINTING LEGISLATIVE DOCUMENTS

Background

Under NDCC Section 46-02-05, the Legislative Council is authorized to determine the contents of contracts for printing legislative bills, resolutions, and journals. The Central Services Division of the Office of Management and Budget prepares the requests for bids for the printing of these items in accordance with the requirements set by the committee.

Contract Contents

With respect to the contract for printing bills, resolutions, and journals for the 61st Legislative Assembly, the committee reduced the number of introduced bills and resolutions printed from 250 to 190 (based on the surplus of bills remaining after the 2007 legislative session), reduced the number of engrossed bills printed from 250 to 190 (based on the demand for these bills during the 2007 legislative session), and reduced the number of journals printed from 250 to 170 (based on the surplus of journals remaining after the 2007 legislative session). The reduction in the number of bills, resolutions, and journals printed also reflects committee discussion concerning whether to use a high-speed copier to print bills on demand rather than have preprinted materials. The intent is to reduce the number of preprinted bills to the level estimated for immediate distribution. If there is a need for additional copies, plans are to use a networked printer to make the additional copies, as was done in 2007.

The committee also approved setting the deadline for delivery of printed bills to the bill and journal room at 12:00 noon on the next legislative day after the day of introduction, rather than within 24 hours for bills not more than 16 pages and no later than 48 hours for bills 17 pages and over. This reflects the fact that the bill and journal room was printing a substantial number of bills that had not been delivered but were available on the legislative branch website.

SESSION ARRANGEMENTS

Floor Session Video Coverage

During the 2006-07 interim, the committee authorized the purchase and installation of two digital camcorders, two tripods, necessary wiring, and the equipment to provide simultaneous coverage of the Senate and House

floor sessions. The video is streamed over the Internet. The camera operators were to be employees contracted through a third-party contractor.

During the 2007 legislative session, the camera operators worked limited and varying hours and eventually found other, more consistent work and the video cameras were operated by the Legislative Council tour guide and the Senate deputy sergeant-at-arms as time permitted.

The committee recommends that each house employ a half-time assistant sergeant-at-arms to operate the video cameras.

Incoming WATS Line Service

Beginning with the 1985 legislative session, incoming WATS lines have been provided for residents in the state to contact legislators or obtain information concerning legislative proposals. Even if all telephone lines are in use, callers do not receive a "busy" signal. If all lines are in use or the call is made after regular business hours, a caller is given two options--one for staying on the line (if the call is during regular business hours) and one for leaving a message for legislators from the caller's district. This message feature is available 24 hours a day 7 days a week during regular legislative sessions.

The committee discussed whether the policy restricting the messages to messages only for legislators from the caller's district or for legislators specifically named by the caller should be changed to allow callers to leave messages for any or all legislators.

The committee recommends continuation of the incoming WATS line telephone message service for the 61st Legislative Assembly. The WATS number will continue to be 1-888-ND-LEGIS (1-888-635-3447).

The committee recommends continuation of the policy that a caller may leave a message for the caller's local legislators (legislators from the caller's district and legislators of the city of the caller) and for specifically named legislators identified by the caller.

Legislator Wellness Program

North Dakota Century Code Section 54-52.1-14 requires the Public Employees Retirement System Board to develop an employer-based wellness program encouraging employers to adopt a board-approved wellness program. The incentive for adoption of a program is a 1 percent of health insurance premium charge to agencies that do not participate in the wellness program.

A wellness program must include the "mandatory activity" of communicating wellness materials provided by the Public Employees Retirement System and Blue Cross Blue Shield of North Dakota to individual employees on a monthly basis and promoting the Public Employees Retirement System smoking cessation program to employees. In addition to this mandatory activity, different "optional" activities must be developed each year.

The committee approved as a wellness activity for July 1, 2008, through June 30, 2009, a proposal by the North Dakota Medical Association and Altru Health

System to provide a personal wellness assessment program for legislators and the Legislative Council staff during the scheduled health fair in mid-January 2009 and other educational and wellness activities during the 2009 legislative session.

Legislator Expense Reimbursement Policy

Article XI, Section 26, of the Constitution of North Dakota provides that payment for necessary expenses of legislators may not exceed that allowed for other state employees. Legislators receive up to \$900 per month as reimbursement for lodging. The policy followed for the 60th Legislative Assembly was to allow these items as reimbursable lodging expenses during a legislative session--electricity and heat, water (including garbage collection and sewer charges), basic telephone service, telephone installation charges, rental of furniture and appliances, and transit charges for moving rental furniture and appliances. The lodging expense reimbursement of two or more legislators sharing housing in a single dwelling was subject to approval by the Legislative Council chairman, in accordance with NDCC Section 54-03-20. The committee recommends the legislative expense reimbursement policy for the 61st Legislative Assembly be the same as that followed for the 60th Legislative Assembly.

Legislators' Supplies

Stationery

The committee approved continuation of the policy that every legislator be given the option of receiving 250 sheets of regular (8.5 inches by 11 inches) or Monarch (7.5 inches by 10.5 inches) stationery and envelopes, 250 sheets of each type of stationery and envelopes, or 500 sheets of either type of stationery and envelopes. A legislator can also request no stationery or envelopes. Additional options were added to allow legislators to elect to use an electronic letterhead and to elect to receive only envelopes. Under the policy, a legislator also can request an additional 500 sheets of stationery and 500 envelopes, up to 1,000 sheets and envelopes total. The Speaker, each leader, and each assistant leader continue to receive as much regular and Monarch stationery as needed.

Brief Bags

The committee approved continuation of the policy, first established in 1984, of providing a brief bag (also referred to as a letter file or carrying case) to each legislator on request. With respect to newly elected legislators, the request form will be included in the information packets distributed to newly elected legislators during the organizational session. The committee continued use of a canvas-type carrying case first provided in 2002.

Capitol Access Cards

Since October 1999, the Capitol has operated under a security key system. Access to the Capitol on weekdays before 7:00 a.m. or after 5:30 p.m. or on weekends requires use of a security key to present near

a reader that unlocks the door and records use of the card. Each security key is coded and a computerized record is kept of use. During the 2001 session, every legislator received a security card for access to the Capitol, and beginning with the 2003 session, a security card was provided to a legislator on request.

The committee approved continuation of the policy that a security card be provided to a legislator who requests one and signs a form acknowledging receipt of the card.

Legislator Photo Identification Cards

The committee approved providing a credit card-size photo identification card to each legislator as was done in 2007. The card will contain the 2009 legislative photo, a current signature of the legislator, the legislative session WATS line number (1-888-635-3447), the Legislative Council telephone number, and the Legislative Council WATS line number.

Legislator Photographs

The committee approved the invitation to bid for photography services to the 61st Legislative Assembly. Generally, the invitation to bid contained the same specifications as the contract for the 60th Legislative Assembly. With respect to the House, the specifications provide for two poses and two wallet-size color pictures of each pose of 97 individuals; color touchup of the final pose; one composite color picture approximately 50 inches by 60 inches, proofed, framed, and ready to hang; and 97 copies of the composite picture 11 inches by 14 inches in size. With respect to the Senate, the specifications provide for two poses and two wallet-size color pictures of each pose of 51 individuals; color touchup of the final pose; one composite color picture approximately 30 inches by 40 inches, proofed, framed, and ready to hang; and 51 copies of the composite picture 11 inches by 14 inches in size. The committee continued the option for oak frames for the small composite, available for purchase by individual legislators. The photographs of legislators are to be taken during the organizational session in 2008, and the photographs of the six elected legislative officers are to be taken during the first week of the regular session.

For the large composite pictures, the Legislative Council provides the frames from previous Legislative Assembly pictures. The large composites of the previous Legislative Assembly are transferred to the State Historical Society and are placed in the state archives. The photographer is to provide the digital image of the pose selected by the photographer to the Legislative Council by Wednesday, December 17, 2008, for use in updating the legislative branch website, and the photographer is to provide the digital image of the final pose to the Legislative Council by Friday, February 20, 2009.

The invitation to bid was sent to 51 photography firms in central and western North Dakota. Three firms submitted bids--Anderson Photography, Crosby, \$3,700; Third Day Photography, Jamestown, \$3,881.19; and Sterling Photography, Ridgeland, Mississippi, \$104,000. The committee awarded the contract to the lowest

bidder--Anderson Photography--the firm that was also the photographer for the 54th through 60th Legislative Assemblies.

Legislator Computer Training

The committee approved the agenda for providing computer training to legislators before the convening of the 61st Legislative Assembly and authorized the Legislative Council staff to conduct training sessions for legislators. The training focuses on two areas--general computer training and LAWS system training.

New legislators with computer experience are scheduled for a two-hour class immediately after the organizational session adjourns Wednesday afternoon. New legislators with limited computer experience are scheduled for a two-hour class after the first class finished on Wednesday afternoon. This training includes the signout of computers, review of the policies governing use of computers, and general introduction to the software packages on the computers.

During the organizational session, returning legislators can take 90-minute, concurrent miniclasses on e-mail and Microsoft Word. The miniclasses are scheduled for Monday morning and afternoon and Tuesday morning and afternoon.

Legislators can receive LAWS system training in any of three two and one-half-hour blocks of instruction on Monday, January 5, the day before the regular session convenes. A limited-attendance class is available Tuesday morning, the day the session convenes. During the legislative session, legislators can request individualized training at their desks in the chambers and can receive individual online learning through Internet classes.

Personal Computer Use Policy

To ensure proper use of personal computers by legislators, the Legislative Management Committee approved the *Policy on Use of Personal Computers by Legislators* in November 2004. The policy describes statutory restrictions on use of personal computers, governs use of privately owned personal computers to access legislative information systems, and governs use of state-owned personal computers. The committee makes no recommendation regarding changing the personal use fee of \$10 per month, first established during the 1997-98 interim, which allows legislators a personal use option under NDCC Section 54-03-26.

Journal Distribution Policy

The committee approved continuation of the policy that a legislator may have daily journals sent, without charge, to any person upon approval of that legislator's leader. Because journals are available on the legislative branch webpage, legislators providing journals will be requested to ask the person to whom journals are to be sent whether that person has Internet access. The intent is to encourage those persons with Internet access to use that access, which reduces labor and postage costs.

Session Employment Coordinators

The committee approved the hiring of one individual to represent each political party to receive and coordinate the handling of applications for legislative session employment.

Session Employee Positions

The committee reviewed the number of employee positions during the 2003, 2005, and 2007 legislative sessions, the impact computerization has had on both houses, the potential impact of increased use of technology in providing legislative information, and the impact resulting from contracting for secretarial, telephone message, and bill and journal room services rather than hiring employees for those areas.

The committee reviewed a legislative session employee position plan that provided for 36.5 Senate employee positions and 42.5 House employee positions during the 2009 legislative session. The plan:

- Recognized the four staff assistants authorized for the majority leaders and the four staff assistants authorized for the minority leaders.
- Recognized House employment of the payroll clerk (to continue the rotation of the position between the Senate and the House every session).
- Recognized continued Senate employment of the supply room coordinator (to make that employee available for providing assistant sergeant-at-arms services during the Senate floor sessions as needed).
- Recognized House employment of two one-half time assistant sergeant-at-arms (which was done in 2007).
- Recognized employment of a parking lot attendant by each house (which was done in 2005 and 2007).
- Proposed employment of an additional one-half time assistant sergeant-at-arms by the Senate and by the House for purposes of operating the video camera during floor sessions (rather than contracting for the camera operators).
- Proposed employment of one information kiosk attendant by the Senate and one by the House, rather than continuing to rotate one position between the houses and the House employing a one-half time attendant (for the purpose of being the initial contact for providing telephone message service rather than the private contractor).

The committee recommends that the Employment Committees provide for 36.5 Senate employee positions and 42.5 House employee positions.

Session Employee Compensation

The committee reviewed legislative session employee compensation levels during the 2007 legislative session. In 1999 a general increase of 7 percent was provided as well as a skills recognition adjustment ranging from an additional \$1 to \$11 per day for certain legislative session employees in recognition

of supervisory, technical, and communication skills. In 2001 a general increase of 5 percent, rounded to the nearest dollar, was provided. This was primarily in recognition of the average pay increases of 2 percent and 3 percent approved by the 56th Legislative Assembly for state employees. In addition, a skills recognition adjustment ranging from an additional \$2 to \$11 per day for certain legislative session employees was provided in recognition of increased technical ability requirements of their positions as well as increased responsibility for accuracy of legislative session information. In 2003 a general increase of 5 percent, rounded to the nearest dollar, was provided. This was primarily in recognition of the average pay increases of 3 percent and 2 percent approved by the 57th Legislative Assembly for state employees. In 2005 a general increase of 5 percent, rounded to the nearest dollar, was provided. This was primarily in recognition of the difficulty in attracting qualified applicants for session employment. In 2007 a general increase of 8.16 percent, rounded to the nearest dollar, was provided. This was primarily in recognition of the increases of 4 percent and 4 percent (or a total of 8.16 percent) approved by the 59th Legislative Assembly for state employees. Increases in per day compensation for the Senate and House assistant committee clerks and the administrative assistant to the Speaker of the House also were provided.

The committee received information on the effect of providing a general increase of 8.16 percent, rounded to the nearest dollar, reflecting the increases of 4 percent and 4 percent approved by the 60th Legislative Assembly for state employees, which resulted in a pay range of \$83 to \$141 per day for session employees.

The committee also received information on what session employee compensation rates would be if compensation rates in 1999 were adjusted based on state employee salary increases, inflation, and state average weekly wage increases through 2008. If adjusted based on state employee salary increases, session employee compensation in 2009 would range from \$80 to \$132 per day. If adjusted for inflation, session employee compensation in 2009 would range from \$82 to \$135 per day. If adjusted based on state average weekly wage increases, session employee compensation would range from \$89 to \$146 per day.

The committee recommends daily compensation rates be increased to the level they would be if compensation increases since 1999 would have paralleled increases in the state's average weekly wage. Depending on the position, individual daily wage rates will experience increases from 11.8 percent to 15.6 percent.

As a result of this recommendation, compensation will range from \$89 to \$146 per day (\$11.13 to \$18.25 per hour based on an eight-hour day). The committee recommends continuation of the authorization for employees to receive an additional \$1 per day for each previous regular session employed, up to an additional \$10 per day.

North Dakota Century Code Section 54-03-10 requires the compensation of Legislative Assembly employees to be set by concurrent resolution. The

committee recommends that the concurrent resolution establishing employee positions continue the practice of not including specific names or identifying specific individuals. This type of resolution was first adopted in 1997 as a means to provide flexibility in the hiring of employees after adoption of the concurrent resolution. By designating positions and compensation levels, and not naming employees, an Employment Committee report that names an employee and designates the position is sufficient to identify that employee, the position, and the compensation level. The committee also recommends that the concurrent resolution continue to refer to the generic position of "legislative assistant" in place of employees formerly classified as assistant sergeant-at-arms, supply room coordinator, desk page, page and bill book clerk, information kiosk attendant, and parking lot attendant; continue to include provisions authorizing conversion of full-time positions to part-time positions; and continue to authorize the leaders to consolidate staff assistant positions.

Session Employee Orientation and Training

The committee approved the agenda for orientation and training of legislative session employees between November 13, 2008, and January 7, 2009, and authorized the Legislative Council staff to conduct training sessions for various session employees.

The training will be similar to that provided before the 2007 legislative session--the payroll clerk will receive training in mid-November; the journal reporters will receive training before the organizational session convenes, depending on the availability of the 2007 Senate Journal Reporter; committee clerks will not receive training on preparing amendments before the legislative session; and committee clerks will receive training on using the legislative branch website.

The committee recommends that session employees be hired to begin work at various times before the convening of the Legislative Assembly, depending on the nature of each employee's duties and the training required of the employee.

Secretarial, Telephone Message, and Bill and Journal Room Services Secretarial Services

In 1993 the joint secretarial pool consisted of the equivalent of 10.5 stenographers and typists and cost \$56,629.20 and each house employed a chief stenographer and payroll clerk at a cost of \$14,326.59. Beginning with the 1995 legislative session, the Senate and House have shared a part-time payroll clerk and the Legislative Assembly has contracted with a third party to provide secretarial services.

Telephone Message Services

In 1999 the Legislative Assembly employed a chief telephone attendant, eight telephone attendants, and two telephone pages at a total cost of \$57,169.69. Beginning with the 2001 legislative session, the Legislative Assembly contracted with a third party to provide telephone message services.

Bill and Journal Room Services

In 1995 the Legislative Assembly employed 12 bill and journal room clerks at a cost of \$57,170.61. Beginning with the 1997 legislative session, the Legislative Assembly has contracted with a third party to provide bill and journal room services.

Consolidated Services

During the 1999-2000 interim, the Legislative Management Committee recommended that the separate contracts for secretarial services and telephone message services be awarded to the same contractor to take advantage of efficiencies obtained by moving employees from one area to the other as necessary.

As a result of experiences with the consolidated secretarial and telephone message services during the 2001 legislative session, the Legislative Management Committee recommended contracting with one service to provide secretarial, telephone message, and bill and journal room services. Beginning with the 2003 legislative session, these three services have been provided by one third-party contractor.

During the 2003 legislative session, 18 employees provided secretarial, telephone message, and bill and journal room services.

Since the first contract with a third party to provide services formerly provided by Legislative Assembly employees, the committee has reviewed workload so as to ensure appropriate levels of service.

In 2007 the contractor's employees completed 93 speeches (and made 631 copies), 42 press releases (284 copies), 13 charts and lists (254 copies), 410 letters (817 copies), 75 mail merges (5,442 copies), and 260 miscellaneous documents (558 copies). For comparison purposes, 154 speeches (598 copies), 106 press releases (358 copies), 29 charts (217 copies), 295 letters (643 copies), 49 faxes (162 copies), 65 mail merges (6,150 copies), and 6,300 miscellaneous documents (6,891 copies) were prepared in 2005.

The number of telephone calls using the incoming WATS lines to the message center has gone down every legislative session since 1993, when 62,320 calls were received. During the 2007 legislative session, 4,227 calls were received.

As a result of the decreasing number of documents prepared and the decreasing number of telephone calls received during recent legislative sessions, as well as recommendations of the third-party contractors to allow for cross-training of employees so they can be assigned among the areas as needed, the number of employees under contract to provide secretarial, telephone message, and bill and journal room services has gone down every session since 2003.

The committee approved an invitation to bid for services during the 2009 legislative session to provide six employees for secretarial, telephone message, and bill and journal room services. Three employees and the onsite supervisor are to be located in the secretarial and telephone message services area. All four are to be trained to provide secretarial and telephone message services. During the first three weeks of the legislative session, one or more of the employees are to be

available to be assigned to assist the two employees in the bill and journal room area as workload requires.

The invitation to bid to provide secretarial, telephone message, and bill and journal room services was sent to eight temporary personnel services in the Bismarck-Mandan area. The committee received two bids. The daily bids were \$570.08 by Kelly Services and \$581.20 by Spherion. The hourly pay range in the Kelly Services bid is secretarial and telephone message services - \$8.25 to \$8.50; and bill and journal room services - \$8.50.

The committee recommends accepting the bid by Kelly Services, Bismarck, to provide six employees for secretarial, telephone message, and bill and journal room services during the 2009 legislative session.

To ensure proper use of secretarial services, the committee reviewed and approved the *Policy Regarding Secretarial Services to Legislators* last approved by the Legislative Council in November 2006. The policy points out that secretarial service employees are not legislative employees; describes secretarial services as being available between 7:30 a.m. and 5:00 p.m.; provides for 24-hour turnaround of most projects; limits requests for transcripts of committee hearing tapes to the majority leader, as requested by the committee chairman when the committee clerk is unable to prepare minutes due to illness, disability, or absence; limits merge requests to 25 individual addresses unless otherwise approved by a majority leader or minority leader, as appropriate; and provides the procedure for any comment or complaint regarding the service. A copy of the policy is included in the legislators' information packets distributed during the organizational session.

Legislative Internship Program

Since 1969 the Legislative Assembly has sponsored a legislative internship program in cooperation with the School of Law and the graduate school at the University of North Dakota and the graduate school at North Dakota State University. The program has provided the Legislative Assembly with the assistance of law school students and graduate school students for a variety of tasks, especially the preparation of amendments, and has provided the students with a valuable educational experience. Since the beginning of the program, each intern has received a stipend as a means of covering the expense of participating in the program.

The committee approved continuation of the program for the 61st Legislative Assembly--up to 11 intern positions (10 for committees and 1 for the Legislative Council staff as needed) allocated among participating entities as needed (10 have been allocated to the School of Law based on the need for law students to prepare amendments for committees)--and extended the program to four months. The committee also authorized an increase in the stipend to \$2,000 per month for the four-month program.

Legislative Tour Guide Program

For the past 16 legislative sessions, the Legislative Council has operated a tour guide program that coordinates tours of the Legislative Assembly by high

school groups. The tour guide program is extensively used by high school groups during legislative sessions, and other groups have been placed on the tour schedule at their request. Since 1987, two tour guides have been hired each session due to the heavy workload in scheduling tour groups. The committee approved the continuation of the tour guide program for the 2009 legislative session.

Doctor of the Day Program

The committee accepted an offer by the North Dakota Medical Association to continue the doctor of the day program during the 2009 legislative session under the same arrangements as in the past. The association is planning to arrange health screening days to assist members of the Legislative Assembly in its wellness program.

Chaplaincy Program

The Bismarck and Mandan ministerial associations have coordinated the scheduling of a chaplain in each house to open the daily session with a prayer. Each chaplain receives a daily stipend of \$25. The committee authorized the Legislative Council staff to invite the local ministerial associations to continue to schedule chaplains for opening prayers for both houses each day of the 2009 legislative session.

The committee reviewed the procedure in effect since 1985 which gives legislators until the end of December to schedule out-of-town clergy to deliver prayers during the legislative session. The committee authorized the Legislative Council staff to notify all legislators that they have until December 31, 2008, to schedule out-of-town clergy to give the opening prayer any day of the legislative session for their respective houses during the 2009 legislative session.

Organizational Session Agenda

The committee approved a tentative agenda for the 2008 organizational session. Two major changes first made in 2002 were continued--convening the session on Monday rather than Tuesday and convening at 1:00 p.m. rather than 9:00 a.m. As the result of amendment of NDCC Section 54-03.1-02 in 2005, the "default" day for convening the organizational session is the first Monday in December. The convening of the organizational session on Monday allows additional time to update computers for new legislators, assign computers to new legislators. Convening the session at 1:00 p.m. allows veteran legislators the opportunity to travel to the Capitol on Monday rather than during the evening of the previous day, while continuing to provide orientation to new legislators and computer training to veteran legislators beginning at 9:00 a.m.

Major changes from 2006 include elimination of computer training for legislators with respect to the Internet due to low attendance in 2006; elimination of the sexual harassment session because Joint Rule 901, relating to sexual harassment, is covered in the ethics session; elimination of the wellness program because a different wellness program will be provided during the

2009 legislative session; consolidation of the Legislative Council report by the chairman and the director; and reduction of new legislator computer training from six hours to two hours with the first session beginning at 12:00 noon on Wednesday and the second session beginning at 2:30 p.m. on Wednesday rather than any session on Thursday, primarily because of low attendance at the Thursday session in 2006.

State of the State Address

During the 2007 legislative session, the House and Senate convened in joint session at 1:15 p.m. on the first legislative day. Four escort committees were appointed to escort various officials, former officials, and spouses into the chamber--one for the Lieutenant Governor and his spouse, one for the Chief Justice, one for former Governors and their spouses, and one for the Governor and his spouse. The joint session was called to order at 1:30 p.m. and the Governor presented his State of the State address.

The committee authorized the Legislative Council staff to contact the Governor for presentation of the State of the State address on the first legislative day of the 2009 legislative session.

State of the Judiciary Address

The committee authorized the Legislative Council staff to make plans with the Chief Justice of the Supreme Court for the State of the Judiciary address to a joint session on the second legislative day of the 2009 legislative session.

Tribal-State Relationship Message

During the 1983-84, 1985-86, and 1987-88 interims, representatives of the Indian tribes in North Dakota requested permission to appear before the Legislative Assembly to describe their perspective of the status of the relationship between the tribes and the state of North Dakota. As a result of invitations extended by the Legislative Procedure and Arrangements Committee and the Legislative Management Committee, a spokesman from the tribes has addressed each house of the Legislative Assembly during the first week of the 1985 through 2001 legislative sessions and has made an address to a joint session since 2003.

The committee authorized the Legislative Council staff to extend an invitation to representatives of the Indian tribes to make a presentation to the 61st Legislative Assembly on the third legislative day.

Legislative Compensation Commission Report

The committee requested that the report of the Legislative Compensation Commission be a written report submitted to the presiding officer of each house. The practice of submitting a written report rather than an oral report was started in 1993.

Agricultural Commodity Promotion Groups Report

The committee reviewed NDCC Section 4-24-10, which requires 13 agricultural commodity promotion groups to file a uniform report at a public hearing before

the standing Agriculture Committee of each house. The report must be filed between the 1st and 10th legislative days of the regular legislative session. The committee designated the second legislative day the Agriculture Committees meet--Friday, January 9, 2009--as the day for a joint hearing by the Senate and House Agriculture Committees to receive this report.

Agriculture Commissioner Report

The committee reviewed NDCC Section 4-35.2-04, which requires the Agriculture Commissioner to submit a biennial report to a joint meeting of the House and Senate Agriculture Committees on the status of the pesticide container disposal program. The committee determined the report should be made on the same day the committees receive the agricultural commodity promotion groups report--Friday, January 9, 2009.

Commissioner of Commerce Report

The committee reviewed NDCC Section 54-60-03, which requires the Commissioner of Commerce to report between the 1st and 10th legislative days of the regular legislative session to a standing committee of each house as determined by the Legislative Council. The report is to be with respect to the department's goals, objectives, and activities. The committee determined the reports should be made to the Industry, Business and Labor Committees on the second legislative day those committees meet--Monday, January 12, 2009.

LEGISLATIVE ETHICS COMMITTEE

North Dakota Century Code Section 54-35-02.8 requires the Legislative Council to appoint an ethics committee to consider or prepare a legislative code of ethics. Since 1995, the Legislative Council has appointed the Legislative Management Committee as the Legislative Ethics Committee.

During the 1995-96 interim, the Legislative Management Committee reviewed North Dakota laws affecting legislative ethics. That committee recommended legislative rules declaring a legislative ethics policy, urging members to maintain ethical standards and recognize the importance of standards contained in the rules, urging members to apprise themselves of constitutional provisions and statutes that prohibit conduct for which criminal penalties may apply, and requiring the Legislative Council to conduct classes on legislative ethics and laws governing the activities and conduct of public officials. The Legislative Assembly adopted those rules as Joint Rules 1001 through 1004.

The committee makes no recommendation regarding changes to the legislative code of ethics.

TELEPHONE USAGE GUIDELINES

Under NDCC Section 54-06-26, a state official or employee may use a state telephone to receive or place a local call for essential personal purposes to the extent that use does not interfere with the functions of the official's or employee's agency. When a state official or employee is away from the official's or employee's residence for official state business and long-distance tolls would apply to a call to the city of residence, the official or employee is entitled to make at least one long-distance call per day at state expense. A state agency may establish guidelines defining reasonable and appropriate use of state telephones for essential personal purposes.

The committee makes no recommendation for guidelines defining reasonable and appropriate use of state telephones for essential personal purposes.

MISCELLANEOUS MATTERS

2010 Census Data Project

The United States Census Bureau is making preparations for the 2010 census. During the 2005-06 interim the committee approved Phase 1 of the Census Redistricting Data Program, which allowed state legislatures to identify current legislative district boundaries for the Census Bureau, which in turn will provide 2010 census information for those legislative districts.

The committee approved state participation in Phase 2 of the 2010 Census Redistricting Data Program. Phase 2 allows the state to identify precinct boundaries so the state will receive population and other information for precincts and other geographic areas to assist in redistricting efforts after the 2010 census.

Brass Refinishing of Ground Floor West Hallway and Doors

During the interim, copper alloy (brass) has been restored to its original finish on the ground and first floors. The committee received a proposal from the contractor to restore the copper alloy (brass) on the meeting room doors in the ground floor legislative main center hallway, the surfaces on the ledges of the bill and journal room and the coat room, and the west entrance doors from the parking lot.

After the proposal was presented to the committee, the Facility Management Division, Office of Management and Budget, contracted for the brass on the west end of the ground floor to be restored.